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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: PASCO, David
Serial No.: 10/826,559
Filed: April 16, 2004
For: Immunostimulatory Agents in Botanicals
Group Art Unit: 1614
Attorney's Docket No. 11636N/030319
Customer No. 32885

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION BEFORE MAILING DATE OF A FIRST ACTION ON THE MERITS)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 5, 2005

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and §1.98, applicants hereby submit an Information Disclosure Statement for consideration by the Examiner.

I. List of Patents, Publications or Other Information

The Patents, publications, or other information submitted for consideration by the Office are listed on Form PTO-1449(s), attached hereto.

II. Copies

The Patents and other publications listed on the attached Form PTO-1449 are in the English language or an English language abstract is provided.

In view of the waiver of the requirement under 37 C.F.R. § 1.98(a)(2)(iii) copies of the cited U.S. Patents and published applications are not attached.

III. Concise Explanation of Relevance

The attached documents, publications, and/or other information attached hereto are in the English language and do not require a statement of relevancy.

IV. Fees

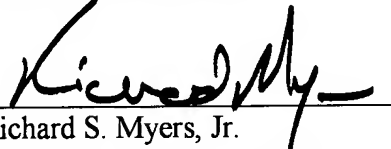
The IDS is being filed under 37 C.F.R. §1.97(b); within three months of the filing date of a national application or before mailing date of a first action on the merits, whichever event occurs last. No fee or statement is required

V. Payment of Fees

No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary).

Respectfully submitted,



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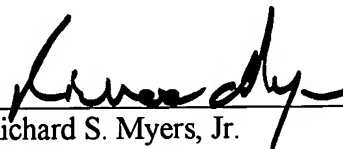
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Richard S. Myers, Jr.



Date

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Form PTO-1449U.S. Department of Commerce
Patent & Trademark OfficeAtty. Docket No.
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Applicant

PASCO, et al.

Filing Date
April 16, 2005Group
1614INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

Examiner Initial	Document No.	Date	Name	Class	Subclass	Filing Date If Appropriate
	US2002/0041905	April 11, 2002	Kerestes, Jr., et al.			
	US2002/0128304	September 12, 2002	D'Amato			
	5,057,325	October 15, 1991	Montefiori			
	5,538,752	July 23, 1996	Blanchette, et al.			
	5,770,430	June 23, 1998	Howell, et al.			
	5,814,495	September 29, 1998	Della-Cioppa, et al.			
	5,837,505	November 17, 1998	Della-Cioppa, et al.			
	6,242,415	June 5, 2001	Mohaghehpour			
	6,300,057	October 9, 2001	Garger, Jr., et al.			
	6,455,247	September 24, 2002	Nolan, et al.			

FOREIGN PATENT DOCUMENTS

	Document No.	Date	Name	Class	Subclass	Translation	
						Yes	No

MISCELLANEOUS DOCUMENTS

	Adams, et al. (1992). Molecular basis of macrophage activation: diversity and its origins. In <i>The Natural Immune System: The Macrophage</i> ; Lewis CE, McGee JO'D, Eds.; Oxford University Press Inc.: New York, NY; pp 75-114.
	Baeuerle, et al. (1994). Function and activation of NF- κ B in the immune system. <i>Annu. Rev. Immunol.</i> 12: 141-179.
	Bauer R (1999). Chemistry, analysis and immunological investigations of <i>Echinacea</i> phytopharmaceuticals. In <i>Immunomodulatory Agents from Plants</i> ; Wagner H, Ed.; Birkhauser Verlag: Basel, Switzerland; pp. 41-88.
	Bauer R (2000). Chemistry, pharmacology and clinical applications of <i>Echinacea</i> products. In <i>Herbs, Botanicals & Teas</i> ; Mazza G, Oomah BD, Eds.; Technomic Publishing Company Inc.: Lancaster, PA; pp. 45-73.
	Bauer, et al. (1988a). Immunologische <i>In-vivo</i> - und <i>In-vitro</i> -Untersuchungen mit <i>Echinacea</i> -Extrakten. <i>Arzneim-Forsch.</i> 38: 276-281.
	Bauer, et al. (1988b). TLC and HPLC analysis of <i>Echinacea pallida</i> and <i>E. angustifolia</i> roots. <i>Planta Med.</i> 54, 426-430.
	Bauer, et al. (1989). Der Einsatz der HPLC bei der Standardisierung von <i>Echinacea</i> -Drogen. <i>Arch. Pharm.</i> 322: 324.
	Bauer, et al. (1989a). Beeinflussung der Phagozytose-Aktivitat durch <i>Echinacea</i> -Extrakte. <i>Z. Phytother.</i> 10: 43-48.
	Bauer, et al. (1988c). <i>Echinacea</i> . Comparative TLC and HPLC analysis of herbal drugs from <i>Echinacea purpurea</i> , <i>E. pallida</i> and <i>E. angustifolia</i> . Part 3. <i>Dtsch. Apoth. Ztg.</i> 128: 174-180.
	Bauer, et al. (1989b). Alkamides from the roots of <i>Echinacea angustifolia</i> . <i>Phytochemistry</i> 28: 505-508.
	Brevoort P (1998). The booming U.S. botanical market: a new overview. <i>HerbalGram</i> 44: 33-46.

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Date Considered

*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Comparable to Form PTO-1449		U.S. Department of Commerce Patent & Trademark Office		Atty. Docket No. 11636N/030319 Customer No. 32885		Serial No. 10/826,559	
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FOREIGN PATENT DOCUMENTS								
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MISCELLANEOUS DOCUMENTS	
	Clifford, et al. (2002). Bioactivity of alkamides isolated from <i>Echinacea purpurea</i> (L.) Moench. <i>Phytomedicine</i> 9: 249-253.
	Copeland RA (1994). Peptide mapping and amino acid analysis. In <i>Methods for Protein Analysis: A Practical Guide to Laboratory Protocols</i> ; Chapman & Hall: New York, NY, Chapter 7, pp. 126-150.
	Dzierzega-Lecznar, et al. (2002). Pyrolysis-gas chromatography-mass spectrometry of synthetic neuromelanins. <i>J. Anal. Appl. Pyrol.</i> , 62: 239-248.
	Emmendorffer, et al. (1999). Immunologically active polysaccharides from <i>Echinacea purpurea</i> plant and cell cultures. In <i>Immunomodulatory Agents from Plants</i> ; Wagner H, Ed.; Birkhauser Verlag: Basel, Switzerland; pp. 89-104.
	Galanos, et al. (1969). A new method for the extraction of R lipopolysaccharides. <i>European J. Biochem.</i> 9: 245-249.
	Goel, et al. (2002). Alkylamides of <i>Echinacea purpurea</i> stimulate alveolar macrophage function in normal rats. <i>Int. Immunopharmacol.</i> 2: 381-387.
	Gomez, et al. (2003). Melanin and fungi. <i>Curr. Opin. Infect. Dis.</i> 16: 91-96.
	Housby, et al. (1999). Non-steroidal anti-inflammatory drugs inhibit the expression of cytokines and induce HSP70 in human monocytes. <i>Cytokine</i> 11: 347-358.
	Hung, et al. (2002). Gastrointestinal enhancement of MRI with melanin derived from tea leaves (<i>Thea sinensis</i> Linn.). <i>J. Ethnopharmacol.</i> 79: 75-79.
	Kamei, et al. (1997). Suppression of growth of cultured malignant cells by allomelanins, plant-produced melanins. <i>Cancer Biother. & Radiopharm.</i> 12: 47-49.

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MISCELLANEOUS DOCUMENTS	
	Knicker, et al. (1995). ¹³ C and ¹⁵ N NMR analysis of some fungal melanins in comparison with soil organic matter. <i>Org. Geochem.</i> 23: 1023-1028.
	Krysciak J (1985). Solubility of melanin and humin preparations in polar aromatic solvents. <i>Folia Biol.</i> 33: 195-214.
	Lohmann-Matthes, et al. (1989). Aktivierung von Makrophagen durch Polysaccharide aus Gewebekulturen von <i>Echinacea purpurea</i> . <i>Z. Phytother.</i> 10: 52-59.
	Lu F, Ralph J (1997). Derivatization followed by reductive cleavage (DFRC method), a new method for lignin analysis: Protocol for analysis of DFRC monomers. <i>J. Agric. Food Chem.</i> 45: 2590-2592.
	Luettig, et al. (1989). Macrophage activation by the polysaccharide arabinogalactan isolated from plant cell cultures of <i>Echinacea purpurea</i> . <i>J. Natl. Cancer Inst.</i> 81: 669-675.
	May, et al. (1998). Signal transduction through NF-kappa B. <i>Immunol. Today</i> , 19: 80-88.
	Melchart, et al. (2002). Polysaccharides isolated from <i>Echinacea purpurea herba</i> cell cultures to counteract undesired effects of chemotherapy—a pilot study. <i>Phytother. Res.</i> 16: 138-42.
	Montefiori, et al. (1991). Selective antiviral activity of synthetic soluble L-tyrosine and L-dopa melanins against human immunodeficiency virus in vitro. <i>Antiviral Res.</i> 15: 11-25.
	Muller-Jakic, et al. (1994). <i>In vitro</i> inhibition of cyclooxygenase and 5-lipoxygenase by alkamides from <i>Echinacea</i> and <i>Achillea</i> species. <i>Planta Med.</i> 60: 37-40.
	Pietta, et al. (1998). MEKC Analysis of different <i>Echinacea</i> species. <i>Planta Med.</i> 64: 649-652.

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	Proksch, et al. (1987). Structural analysis of a 4-O-methylglucuronarabinoxylan with immunostimulating activity from <i>Echinacea purpurea</i> . <i>Phytochemistry</i> 26: 1989-1993.
	Pugh, et al. (2001). Isolation of three high molecular weight polysaccharide preparations with potent immunostimulatory activity from <i>Spirulina platensis</i> , <i>Aphanizomenon flos-aquae</i> and <i>Chlorella pyrenoidosa</i> . <i>Planta Med.</i> 67: 737-742.
	Riley PA (1997). Melanin. <i>Int. J. Biochem. Cell Biol.</i> , 29 (11): 1235-1239.
	Roesler, et al. (1991). Application of purified polysaccharides from cell cultures of the plant <i>Echinacea purpurea</i> to mice mediates protection against systemic infections with <i>Listeria monocytogenes</i> and <i>Candida albicans</i> . <i>Int. J. Immunopharmacol.</i> 13: 27-37.
	Sava, et al. (2001) A novel melanin-like pigment derived from black tea leaves with immuno-stimulating activity. <i>Food Research International</i> 34: 337-343.
	Steinmuller, et al. (1993). Polysaccharides isolated from plant cell cultures of <i>Echinacea purpurea</i> enhance the resistance of immunosuppressed mice against systemic infections with <i>Candida albicans</i> and <i>Listeria monocytogenes</i> . <i>Int. J. Immunopharmacol.</i> 15: 605-614.
	Stimpel, et al. (1984). Macrophage activation and induction of macrophage cytotoxicity by purified polysaccharide fractions from the plant <i>Echinacea purpurea</i> . <i>Infect. Immun.</i> 46: 845-849.
	Vas, et al. (1993). Characterization of melanins by pyrolysis/gas chromatography/mass spectrometry. <i>Rapid. Commun. Mass Spectrom.</i> , 7: 870-873.

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	Vekey, et al. (1992). Studies on structure characterization of tryptophan melanin: comparison between filament and curie-point pyrolysis gas chromatography/mass spectrometry. <i>Org. Mass Spectrom.</i> , 27: 1216-1219.
	Wagner, et al. (1981). Uber ein immunstimulierendes Wirkprinzip aus <i>Echinacea purpurea</i> MOENCH. <i>Z. Angew. Phytother.</i> 2: 166-171.
	Wagner, et al. (1985). Immunstimulierend wirkende Polysaccharide (Heteroglykane) aus höheren Pflanzen. <i>Arzneim.-Forsch.</i> 35: 1069-1075.
	Wagner, et al. (1988). Immunologically active polysaccharides of <i>Echinacea purpurea</i> cell cultures. <i>Phytochemistry</i> 27: 119-126.
	Westphal, et al. (1965). Bacterial lipopolysaccharides: Extraction with phenol-water and further applications of the procedure. In <i>Methods in Carbohydrate Chemistry: Volume V, General Polysaccharides</i> ; Whistler RL, Ed.; Academic Press: New York, NY; pp 83-91.
	Zecca, et al. (1992). The chemical characterization of melanin contained in substantia nigra of human brain. <i>Biochim. Biophys. Acta</i> , 1138: 6-10.

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